

BINGHAM McCUTCHEN LLP  
DONN P. PICKETT (SBN 72257)  
GEOFFREY M. HOWARD (SBN 157468)  
HOLLY A. HOUSE (SBN 136045)  
ZACHARY J. ALINDER (SBN 209009)  
BREE HANN (SBN 215695)  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
Telephone: (415) 393-2000  
Facsimile: (415) 393-2286  
donn.pickett@bingham.com  
geoff.howard@bingham.com  
holly.house@bingham.com  
zachary.alinder@bingham.com  
bree.hann@bingham.com

DORIAN DALEY (SBN 129049)  
JENNIFER GLOSS (SBN 154227)  
500 Oracle Parkway, M/S 50p7  
Redwood City, CA 94070  
Telephone: (650) 506-4846  
Facsimile: (650) 506-7114  
dorian.daley@oracle.com  
jennifer.gloss@oracle.com

Attorneys for Plaintiffs  
Oracle USA, Inc., Oracle International Corporation,  
Oracle EMEA Limited, and Siebel Systems, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE USA, INC., *et al.*,  
Plaintiffs,  
v.  
SAP AG, *et al.*,  
Defendants.

CASE NO. 07-CV-01658 PJH (EDL)

**DECLARATION OF ZACHARY  
ALINDER IN SUPPORT OF  
PLAINTIFFS' ADMINISTRATIVE  
MOTION TO PERMIT PLAINTIFFS  
TO FILE UNDER SEAL  
DEFENDANTS' INFORMATION  
SUPPORTING PLAINTIFFS'  
MOTION TO COMPEL  
PRODUCTION OF DAMAGES-  
RELATED DOCUMENTS AND  
INFORMATION**

Case No. 07-CV-01658 PJH (EDL)

1 I, Zachary Alinder, declare:

2 1. I am a partner in the law firm of Bingham McCutchen LLP and counsel of  
3 record for Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Limited,  
4 and Siebel Systems, Inc. (collectively “Oracle”) in the above-captioned action. I am a member  
5 in good standing of the state bar of California and admitted to practice before this Court. I make  
6 this declaration based on personal knowledge and, if called upon to do so, could testify  
7 competently thereto.

8 2. I make this Declaration in support of Plaintiffs’ Administrative Motion to  
9 Permit Plaintiffs to File Under Seal Defendants’ Information Supporting Plaintiffs’ Motion to  
10 Compel Production of Damages-Related Documents and Information.

11 3. Plaintiffs file this motion at Defendants’ request. The requested relief is  
12 necessary and narrowly tailored to protect the alleged confidentiality of the materials put at issue  
13 by Plaintiffs’ Motion to Compel Production of Damages-Related Documents and Information  
14 until such time as Defendants may submit a declaration in accordance with Civil Local Rule 79-  
15 5(d), and the Court makes a final ruling as to confidentiality of the relevant subject matter.  
16 Specifically, the following documents and portions of documents lodged with the Court contain  
17 information designated by Defendants as “Confidential Information” or “Highly Confidential  
18 Information – Attorneys’ Eyes Only”: (1) certain portions of Plaintiffs’ Motion to Compel  
19 Production of Damages Related Documents and Information at pp. 6:28-7:1 and 12:5-12:16; (2)  
20 certain portions of the Declaration of Amy Donnelly in Support of Plaintiffs’ Motion to Compel  
21 Production of Damages Related Documents and Information (“Donnelly Declaration”) at ¶17;  
22 and (3) Exhibit B to the Donnelly Declaration. Plaintiffs lodged copies of this material with the  
23 Court on October 20, 2009.

24 I declare under the laws of the United States and the State of California that the  
25 foregoing is true and correct and that this Declaration was executed on October 20, 2009, in San  
26 Francisco, California.

27 /s/Zachary Alinder

28 Zachary Alinder